

PROB 12C  
(6/16)

Report Date: July 23, 2024

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

**Jul 23, 2024****Eastern District of Washington**

SEAN F. MCAVOY, CLERK

**Amended Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: James Edward Kensler

Case Number: 0980 2:18CR00096-TOR-1

Address of Offender: Unknown

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: June 25, 2020

Original Offense: Domestic Assault by Habitual Offender in Indian County, 18 U.S.C. § 117

Original Sentence: Prison - 33 months      Type of Supervision: Supervised Release  
TSR - 36 monthsRevocation Sentence: Prison - 10 months  
(February 22, 2022)      TSR - 26 monthsRevocation Sentence: Prison - 89 days  
(February 29, 2024)      TSR - 23 months

Asst. U.S. Attorney: Michael James Austin Ellis      Date Supervision Commenced: May 1, 2024

Defense Attorney: Nicolas V. Vieth      Date Supervision Expires: March 31, 2026

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**PETITIONING THE COURT**

**AMENDED PETITION:** The original petition was filed with the Court on May 3, 2024. The purpose of this petition is to reflect updated information and guideline provisions.

Mr. Kensler was present during a revocation hearing on February 29, 2024, in which the Court advised him that he would be subject to terms and conditions of supervised release upon his term of imprisonment being completed. Mr. Kensler acknowledged an understanding to these terms and conditions of supervised release.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<b><u>Mandatory Condition # 1:</u></b> You must not commit another federal, state or local crime.
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**Supporting Evidence:** It is alleged that Mr. Kensler violated the conditions of his supervised release on or about May 1, 2024, by committing the federal felony offense domestic assault by habitual offender in Indian country.

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On May 1, 2024, per Kalispel Tribal Police Department (KTPD) report 2024-82006133, KTPD officers were dispatched to the Northern Quest Hotel and Casino (NQHC) at approximately 11:04 p.m., after a report of a domestic assault between a man, later identified as Mr. James Kensler, and his fiancé.

KTPD officers reviewed video footage of this incident. At 10:53 p.m., it shows Mr. Kensler and his fiancé sitting down and eating. Seconds later, Mr. Kensler is seen swinging his right arm and hitting his fiancé near her left shoulder. Mr. Kensler then grabs his fiancé by her hair on the back of her head and throws her to the ground. His fiancé then stands up and runs toward the hotel elevators. Mr. Kensler then sprints toward her and pushes her to the ground and proceeds to kick her in her legs. Mr. Kensler attempts to stomp on her and she grabs his leg. He then proceeds to grab her by the hair and hit her twice. One of the hits was with a closed fist, the other with an open hand. Mr. Kensler then walks away leaving her on the floor. His fiancé then gets up and walks south bound through the hotel and through the camera view, her face visibly red and she appears scared. Mr. Kensler is then seen walking south toward her and she begins to run from him. Mr. Kensler catches up to her and struck her multiple times with his right hand and pushes her, which causes her to fall into an elevator door. His fiancé then gets up and runs the opposite direction from Mr. Kensler.

KTPD officers contacted the fiancé in the lobby of NQCH. She was teary eyed and stated she was in pain. A KTPD officer also observed various injuries, including an abrasion on her right temple, a hematoma on her left temple, an abrasion on the bridge of her nose, both eye sockets were red and swollen, an abrasion on her left shoulder, and multiple bruises on her leg. The fiancé explained to the KTPD officer that Mr. Kensler consumed alcohol at NQCH and when he drinks he gets angry, and she suspected that he lost money while gambling. The fiancé further stated that Mr. Kensler has physically assaulted her in the past and she made the statement, "I think he just tried to kill me." Due to various injuries sustained, his fiancé was transported to the hospital via an ambulance.

KTPD officers contacted Mr. Kensler in the NQCH parking lot. He walked toward a patrol car with his hands up stating he would talk and explained he had just been released from Yakima County Jail on May 1, 2024, and that he is on parole. After a review of the aforementioned video footage, Mr. Kensler was read his Miranda rights and replied "yes" that he would speak with the KTPD officer. Mr. Kensler stated he and his fiancé were arguing about how crazy and drunk she was and she spat on him and then ran away from him. Mr. Kensler then said he "jogged" after her and she fell and he denied punching her, despite the video footage showing the opposite. Mr. Kensler was informed he was being arrested on the aforementioned charges. While the KTPD officer was writing the citation, Mr. Kensler made a statement that he was going to kill his fiancé.

On May 23, 2024, in the Eastern District of Washington, the grand jury charged Mr. Kensler on the aforementioned charge, thus creating 2:24-CR-00074-TOR-1. On May 30, 2024, Mr. Kensler appeared before a U.S. Magistrate Judge for the purpose of an initial appearance and arraignment on indictment and he waived his right to a detention hearing.

**Special Condition #5:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

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**Supporting Evidence:** It is alleged that Mr. Kensler violated the terms of his supervised release by consuming alcohol on or about May 1, 2024.

On May 1, 2024, per KTPD report 2024-82006133, Mr. Kensler's fiancé informed KTPD officers that Mr. Kensler had consumed alcoholic beverages at the NQCH on May 1, 2024. On May 2, 2024, the undersigned spoke with Mr. Kensler's fiancé, in which she stated Mr. Kensler had consumed alcoholic beverages to excess at the NQCH on May 1, 2024.

As a warrant was previously issued, the undersigned officer respectfully requests the Court accept the attached revised and amended petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 23, 2024

s/Jonathan C. Bot

Jonathan C. Bot  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action  
☐ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☒ Other: **The Court accepts the revised and amended petition. The Revocation hearing scheduled for 7/24/2024 remains set.**



Thomas O. Rice  
United States District Judge

July 23, 2024

Date